

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

Kenneth Ray Bushkirk

0001137364

(Enter above the full name of the plaintiff  
or plaintiffs in this action).

(Inmate Reg. # of each Plaintiff)

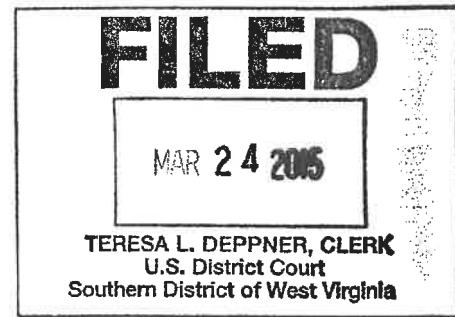
VERSUS

CIVIL ACTION NO. \_\_\_\_\_

(Number to be assigned by Court)

Huntington Police Department  
Officer Wiles

(Enter above the full name of the defendant  
or defendants in this action)



**COMPLAINT**

**I. Previous Lawsuits**

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes \_\_\_\_\_ No ✓

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs:

~~N/A~~

Defendants:

~~N/A~~

2. Court (if federal court, name the district; if state court, name the county):

~~N/A~~

3. Docket Number:

~~N/A~~

4. Name of judge to whom case was assigned:

~~N/A~~

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

~~N/A~~

6. Approximate date of filing lawsuit:

~~N/A~~

7. Approximate date of disposition:

~~N/A~~

Case 3:15-cv-03503 Document 1 Filed 03/24/15 Page 3 of 10 PageID #: 3

**II. Place of Present Confinement:** Western Regional Jail

A. Is there a prisoner grievance procedure in this institution?

Yes ✓ No \_\_\_\_\_

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes \_\_\_\_\_ No ✓

C. If you answer is YES:

1. What steps did you take? \_\_\_\_\_

\_\_\_\_\_

2. What was the result? \_\_\_\_\_

\_\_\_\_\_

D. If your answer is NO, explain why not: Cause it has

nothing to do with the jail.

**III. Parties**

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Kenneth Buskirk 0001137364

Address: W.R.T One Mountain Pl. Barboursville WV 25504

B. Additional Plaintiff(s) and Address(es): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant: Officer Wiles

is employed as: A Huntington Police Officer  
at Huntington Police Dept. 675 10th St.

D. Additional defendants: They were 2 other police  
officers but I'm not sure of their names.

#### IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On Dec 14th 2014 I came out Madison Manor on 14th West Street. Off Wiles told me to come to him, I did. He did not give any order like "you under arrest, turn around etc" he took his night stick and swing at my head I threw my left arm up to block the blow then I took off running to my car about a block away. Wiles followed during the chase he shot me twice with his stun gun for some reason they didn't break my skin which had no effect on me.

IV. Statement of Claim (continued):

2. I made it inside the car Officer Wiles started hitting the ~~passenger~~ <sup>Driver side</sup> window with his stick like he was crazy or somethin I finally got the car started & in that instant he busted the window <sup>out</sup> as I pulled off. I made it to Sheets gas station in the West End of Huntington, got out of the car took off running again on foot cause I was really scared Anyways I ran about 30ft Officer Wiles then hit me with his vehicle in the left leg

11 continuation sheet of paper

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments.  
Cite no cases or statutes.

I want compensation and I would like for the persons involved to be punished in some way sharp or form, & or I'm open for suggestions.

---

---

---

---

---

IV.

(Continued)

3.

Causing me to fall face first onto the ground. The Cop hit me so hard with his vehicle it knocked my left shoe off. As I lay on the ground the officer jumped on my back started punching me in my ribs & kidneys. "I am not resisting" other officers arrived and they started hitting me I couldn't breath & after that I don't remember much where they knocked me out. I got my senses back kinda when they picked me up & put me against the Cop Car.

I was pouring the blood from my head. The police took me to the parking lot of the Police Dept. then called an Ambulance.

I started puking in the parking lot "from being hit" while waiting on the ambulance.

The Ambulance took me to Cabell Hunt Hospital, where they treated me for a left broke arm 10 staples in the back of my head, bruised & or busted ribs and my right kidney also lacerations to my face.

I sustained all of these injuries due to the Huntington Police Dept beating me senseless.

Then I went to jail were they put me in Medical for bout 2 weeks due to my injuries.

The Doctor here at the jail whom worked for Cabell Hunt Hospital for 30 yrs said that my broke arm was a night stick fracture. Cause of the way it was broke.

V

Mis or Sir

I'm not Sure which officer did what except for Off Wiles breaking my Arm & hitting me with his Vehicle Also punching me in my rib & kidney due to where I was unconscious

This Incident was handled Very Unprofessional & Violently

Also they didn't read me my Miranda rights

Thank you

Kenny Bystirk  
Kenny Bystirk

V. Relief (continued)):

---

---

---

---

---

VII. Counsel

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

N/A

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes ✓ No \_\_\_\_\_

If so, state the name(s) and address(es) of each lawyer contacted:

I contacted straight And I Since I'm locked up they said they  
couldn't help. My Mom contacted Courtney Crissey and he said

If not, state your reasons: he couldn't do anything till  
he was appointed?

C. Have you previously had a lawyer representing you in a civil action in this court?

Yes \_\_\_\_\_ No ✓

If so, state the lawyer's name and address:

---

---

Signed this 19 day of March, 2015.

---

---

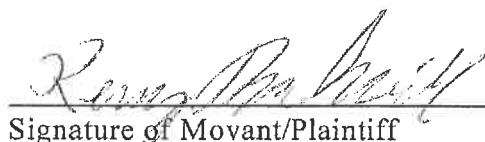
---



Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3-19-15.  
(Date)



Signature of Movant/Plaintiff

---

Signature of Attorney  
(if any)



Kenny Bostwick  
0001137364  
WRT  
One O'Neilton Pl.  
Barb, W.V 25504

**THIS PERSON IS AN INMATE  
OF WESTERN REGIONAL JAIL**

Clark  
United States District Court  
845 5th Ave, Room 101  
Mnt. W.V 25701

25701-32254

Case 3:15-cv-03503 Document 4 Filed 04/02/15 Page 1 of 2 PageID #: 20

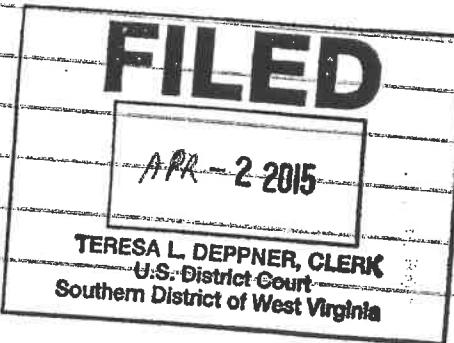
IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT of WEST VIRGINIA

Kenneth Ray Buskirk  
Plaintiff  
vs  
Huntington Police Dept., ETAL  
Defendants  
Motion to Amend

Case No. 3:15-cv-03503

Now comes the Plaintiff And Respectfully  
Request that he be Allowed to Amend his Complaint  
Plaintiff has Inducted AN Amended  
Complaint with his Request

Respectfully  
Submitted



Case 3:15-cv-03503 Document 4 Filed 04/02/15 Page 2 of 2 PageID #: 21

Kenny Buskirk  
One of Munson Rd.

THIS PERSON IS AN INMATE  
OF WESTERN REGIONAL JAIL

Clerk  
United States District Court  
845 5th Ave, Rm 101  
Minsk, W.V. 25701

卷之三

卷之三



IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

Kenneth Ray Buskirk,  
Plaintiff

vs.

Case No. 3:15-cv-03503

Daniel Wiles;

Christopher Boyer

and Rob Black, Huntington  
W.V. Police Officers

Defendants

Amended Complaint

Jury Trial Demanded

1) Plaintiff incorporates all statements and averments  
made in the previous complaint as if fully restated  
herein

2. All Defendants are being sued in their personal  
and professional capacities.

3 All Defendants are state actors acting under  
Color of State Law.

Respectfully  
Submitted

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

Kenneth Ray Buskirk,  
Plaintiff

vs.

Daniel Wiles,  
Christopher Boyer  
and Rob Black, Huntington  
W.V. Police Officers  
Defendants

Case No. 3:15-cv-03503

Amended Complaint  
Jury Trial Demanded

1. Plaintiff incorporates all statement and averments made in the previous complaint as if fully restated herein
2. All Defendants are being sued in their personal and professional capacities.
3. All Defendants are state actors acting under Color of State Law.

Respectfully  
Submitted